

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA
Norfolk Division**

UNITED STATES OF AMERICA)	
)	
v.)	CRIMINAL NO. 2:16cr36
)	
GERALD ANDREW DARBY)	
)	
Defendant.)	

**GOVERNMENT’S MOTION FOR DOWNWARD ADJUSTMENT
IN GUIDELINE RANGE PURSUANT TO U.S.S.G. § 3E1.1(b)**

The United States of America, by and through Dana J. Boente, United States Attorney, and Elizabeth M. Yusi, Assistant United States Attorney, moves for a one-point downward adjustment in the defendant’s offense level pursuant to United States Sentencing Guideline (U.S.S.G.) Section 3E1.1(b), and in support of this motion, states as follows:

1. The defendant is eligible to receive the two-point reduction in offense level for acceptance of responsibility pursuant to U.S.S.G. § 3E1.1(a).
2. The defendant’s offense level determined prior to the application of U.S.S.G. § 3E1.1(a) was sixteen or greater.
3. The defendant assisted in the prosecution of his own misconduct by timely notifying the government of his intention to plead guilty.
4. The defendant’s notification of his intention to enter into an early plea allowed the government to avoid preparing for trial, and further allowed the government and this Court to allocate their resources efficiently.

5. Accordingly, the government moves for a one-point downward adjustment in the defendant's offense level pursuant to U.S.S.G. § 3E1.1(b).

DANA J. BOENTE
UNITED STATES ATTORNEY

By: /s/
Elizabeth M. Yusi
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 9th day of December, 2016, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will send a notification of such filing (NEF) to the following:

Rodolfo Cejas, Esq.

I FURTHER CERTIFY that on this 9th day of December, 2016, I caused a true and correct copy of the foregoing Position of the Government with Respect to Sentencing Factors to be e-mailed to the following:

Tara R. Gill
U.S. Probation Officer
d

/s/ Elizabeth M. Yusi
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